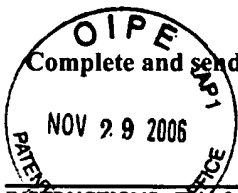


## PART B - FEE(S) TRANSMITTAL

11-30-06



Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or **Fax** (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

24267

7590

09/22/2006

CESARI AND MCKENNA, LLP  
 88 BLACK FALCON AVENUE  
 BOSTON, MA 02210

12/01/2006 WASFAW2 00000016 10777980

01 FC:1501

1400.00 0P

Certificate of Mailing or Transmission **Express**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for ~~first class~~ mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

**Stephanie Mannino**

(Depositor's name)

*Stephanie Mannino*

(Signature)

November 29, 2006

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,980	02/12/2004	Rimas Svarcas	112056-0136U	6025

TITLE OF INVENTION: SYSTEM AND METHOD FOR FAULT-TOLERANT SYNCHRONIZATION OF REPLICA UPDATES FOR FIXED PERSISTENT CONSISTENCY POINT IMAGE CONSUMPTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$0	\$1400	12/22/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
BONURA, TIMOTHY M	2114	714-015000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 **Cesari and McKenna, LLP**

2

3

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

**Network Appliance, Inc.**

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

**Sunnyvale, CA**

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☒ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **03-1237** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*A. Sidney Johnston*Date **November 29, 2006**

Typed or printed name

**A. Sidney Johnston**Registration No. **29,548**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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PATENTS  
112056-0136U  
P01-1576

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re The Application of:	)	
Rimas Svarcas et al.	)	
	)	Confirmation No.: 6025
Serial No.: 10/777,980	)	
	)	
Filed: February 12, 2004	)	Examiner: Bonura, Timothy M.
	)	
For: SYSTEM AND METHOD FOR	)	
FAULT-TOLERANT SYNCHRO-	)	Art Unit: 2114
NIZATION OF REPLICA UP-	)	
DATES FOR FIXED PERSISTENT	)	
CONSISTENCY POINT IMAGE	)	
CONSUMPTION	)	

Cesari and McKenna, LLP  
88 Black Falcon Avenue  
Boston, MA 02210  
November 29, 2006

"Express Mail" Mailing-Label Number: EV 916601736 US

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**ISSUE-FEE TRANSMITTAL**

In response to the Notice of Allowance and Issue Fee Due mailed September 22, 2006, for the above-identified application, enclosed are the following documents:

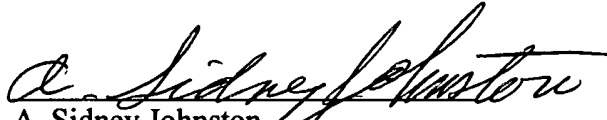
- Issue Fee Transmittal Form PTOL-85b;
- Fee Transmittal Letter; and
- a check for \$1400 to cover the issue fee.

PATENTS  
112056-0136U  
P01-1576

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

A handwritten signature in cursive script, reading "A. Sidney Johnston". The signature is written in dark ink and is positioned above the printed name and address.

A. Sidney Johnston  
Reg. No. 29,548  
CESARI AND MCKENNA, LLP  
88 Black Falcon Avenue  
Boston, MA 02210-2414  
(617) 951-2500